

08/26/04
SKJ

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FAFARD REAL ESTATE &)
DEVELOPMENT CORP.)
Plaintiff,)
vs.) NO. 04-11531-RGS
METRO-BOSTON BROADCASTING,)
INC.,)
Defendant.)

MEMORANDUM OF LIS PENDENS

PLEASE TAKE NOTICE that on June 2, 2004, the plaintiff, Fafard Real Estate & Development Corp. ("Fafard") commenced an action in the Superior Court of Middlesex County, against the defendant, Metro-Boston Broadcasting, Inc., ("Metro-Boston"), C.A. No. 04-2282C, which was subsequently removed to the United States District Court for the District of Massachusetts, Case No. 04-11531-RGS, wherein Fafard seeks among other things, the enforcement of a Purchase and Sale Agreement for real estate located at Lots 6B, 12, and ten (10) acres of Lot 11 in Ashland, in Middlesex County of Massachusetts.

PLEASE TAKE FURTHER NOTICE that said action states a claim of a right to the title to real property or the use and occupancy thereof within the meaning of Massachusetts General Laws, Chapter 184, § 15, and the property so affected is that certain plot, piece or parcel of land in Ashland, MA, known and numbered as Lots 12,

VS

6B, and ten (10) acres of Lot 11, which land is shown on a plan of land recorded in the Middlesex Registry of Deeds as Plan #16849 of 1981, and is more fully described in a Subdivision Plan of Land recorded with the Middlesex South Registry of Deeds in Book 936, Page 51.

Respectfully submitted,

FAFARD REAL ESTATE
& DEVELOPMENT CORP.,

By its attorneys,

Halye A. Sugarman

Jeffrey J. Upton (BBO#652221)
Halye A. Sugarman (BBO#646773)
HANIFY & KING
Professional Corporation
One Beacon Street
Boston, MA 02108-3107
(617) 423-0400

Dated: August 17, 2004
412030

CERTIFICATE OF SERVICE

I, Halye A. Sugarman, certify that on August 17, 2004, I served a copy of the foregoing Renewed Motion for Memorandum of Lis Pendens, by hand on counsel for Defendant, Kenneth Berman, Nutter McClellan & Fish, LLP, World Trade Center West, 155 Seaport Boulevard, Boston, MA 02110.

Halye A. Sugarman

The Court finds that this matter constitutes a claim to the use and occupation of real property and the buildings thereon.

Richard D. Stevens
United States District Judge

Dated: 8-24-04.